

NORTH CAROLINA TRAILS COMMITTEE

MEMBER GUIDELINES

(Revised)
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North Carolina Division of Parks and Recreation
Department of Environment, Health and Natural Resources
512 North Salisbury Road
Raleigh, North Carolina - 27604

NORTH CAROLINA TRAILS COMMITTEE MEMBER GUIDELINES

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1.0 **DIRECTOR'S STATEMENT**

Throughout the history of the trails movement, citizens have played a vital role in the establishment of trails in North Carolina. In fact, prior to the creation of the North Carolina Trails System and the North Carolina Trails Committee in 1973, citizen organizations were largely responsible for the development of trails in our state. Groups of volunteers took the initiative, with little or no support from government, to blaze needed trails in North Carolina. These pioneers were the architects of our modern day state trails system – a system founded upon the strength, ingenuity and dedication of volunteers.

As the North Carolina Trails System continues to grow and develop, the role of the North Carolina Trails Committee continues to increase in importance. Our nation has realized that government alone cannot provide for all of the needs of its citizenry. Citizen participation in government such as serving on the North Carolina Trails Committee is crucial to expanding our awareness of the needs of our constituents and to advising us as to how we can best meet those needs. The North Carolina Trails Committee, working in such an advisory role with the Department of Environment, Health and Natural Resources and the Division of Parks and Recreation, will increase the capacity of government to provide strong leadership for the development and management of trails for the citizens of North Carolina.

This guideline is designed to provide information on the functions, duties and operating procedures of the North Carolina Trails Committee. We hope it will be helpful to you as we continue to strive to meet our common goals. Through coordination, cooperation and communication, we can forge an effective partnership and together, we can add new chapters to the long and proud history of the trails movement in North Carolina.

Sincerely,

Lewis Ledford, Director
North Carolina Division of Parks and Recreation

2.0 **INTRODUCTION**

In 1973, the North Carolina General Assembly ratified the North Carolina Trails System Act, codified in the General Statutes as Chapter 113A, Article 6. This act introduced the following mandate:

.....in order to provide for the ever increasing outdoor recreation needs of an expanded population and in order to promote public access to, travel within, and enjoyment and appreciation of the outdoor, natural remote areas of the state, trails should be established in natural, scenic areas of the state, and in and near urban areas.

The North Carolina Trails Committee (NCTC) was also created by the ratification of this act. The primary responsibility of the NCTC is to advise the Secretary of the Department of Environment, and Natural Resources (DENR) on how best to attain the mandate introduced in the North Carolina Trails System Act of 1973.

The NCTC is a seven-member advisory committee, appointed by the Secretary of DENR, which represents various areas of the state and as many trail user groups as possible. The primary duties of the NCTC are: to advise the Secretary of DENR on all matters directly or indirectly pertaining to trails; and to coordinate trail development among local governments. These duties are listed in General statute 113A-88 included in the North Carolina Trails System Act. (The North Carolina Trails System Act is included in this guideline as Appendix A).

- 3.0 DEFINITIONS – In order to clarify and insure a thorough understanding of the guide lines, the following recurring and important terms and acronyms are defined:
 - 3.1 DENR – Department of Environment and Natural Resources
 - 3.2 DPR – Division of Parks and Recreation
 - 3.3 Secretary – The Secretary of DENR
 - 3.4 Director – The Director of Division of Parks and Recreation
 - 3.5 Act – The North Carolina Trails System Act

3.6 NCTC – North Carolina Trails Committee

3.7 Committee – The NCTC

4.0 **PROGRAM ADMINISTRATION AND RESPONSIBILITIES**

4.1 **Secretary.** Department of Environment and Natural Resources

4.1.1 **Responsibilities Include:**

Implementing the North Carolina Trails System Act

Appointing members to serve on the NCTC

Establishing and designing components of State Trails System

Submitting an annual report on trail activities to the Governor and Legislature

Awarding Adopt-A-Trail Grants

Awarding Federal Recreational Trails Program Grants

4.2 **Assistant Secretary.** Department of Environment and Natural Resources

4.2.1 **Responsibilities Include:**

Serving as the primary contact between the DPR and the Secretary of DEHR

Attending the NCTC meetings when possible

Reviewing trail application recommendations for submission to the Secretary

Reviewing State Adopt-A-Trail and Federal Recreational Trails Program Grant recommendations for submission to the Secretary

4.3 **North Carolina Trails Committee**

4.3.1 **Responsibilities Include:**

Advising the Secretary on matters pertaining to trails

Advising the DPR on trails related programs, policies, guidelines, staff directives and program direction

Coordinating trail development among local governments

Representing the needs of the various trail users statewide

Promoting trail planning, development, maintenance and management among local, state and federal governments

Promoting trail planning, development, maintenance and management among volunteer trails organizations and non-profit organizations listed with the Secretary of State

Assisting in formulation of trail plans

Reviewing applications for State Trail Designation and forwarding recommendations for State Trail Designation to the Secretary

Reviewing Adopt-A-Trail Grant and Federal Recreational Trails Program grant applications and making funding recommendations to the Secretary.

4.4 North Carolina Trails Committee Chairperson

4.4.1 Responsibilities Include:

Serving as primary contact between the NCTC and the Secretary, the Assistant Secretary, the Director and the State Trails Program Manager

Coordinating with State Trails Program Manager to develop meeting agendas

Serving as parliamentarian for all Committee meetings

Representing the Committee to other volunteer organizations and governmental agencies

4.5 Director

4.5.1 Responsibilities include:

Serving as the primary contact between the NCTC and DENR

Administering the State Trails Program

Assuring the State Trails Program is administered in compliance with the North Carolina Trails System Act, DPR guidelines and staff directives

Establishing program of work for the State Trails Program staff

Approving trails related programs, policies and standards

Reviewing all applications for State Trail Designation for submission to the Assistant Secretary

Reviewing Adopt-A-Trail Grant recommendations for submission to the Assistant Secretary

Reviewing Adopt-A-Trail Grant recommendations for submission to the Assistant Secretary – RTP

Approving NCTC meeting agendas

4.6 Chief of Planning and Natural Resources

4.6.1 Responsibilities Include:

Assuring the State Trails Program is administered in compliance with the North Carolina Trails System Act, DPR guidelines and staff directives

Supervising the State Trails Program Manager

Reviewing State Adopt-A-Trail Grant recommendations for submission to the Director

Reviewing Federal Recreational Trails Program Grant recommendations for submission to the Director

4.7 Secretary for Planning and Natural Resources

4.7.1 Responsibilities Include:

Arranging meeting accommodations

Processing reimbursements: Travel and Per Diem

Preparing meeting agenda packages

Preparing meeting minutes

Providing finalized agenda to members

4.8 State Trails Program Manager

4.8.1 Responsibilities Include:

Serving as the primary contact for the DPR to the NCTC

Supporting the efforts of the NCTC

Developing agendas for the NCTC meetings

Managing the State Trails Program

Assuring the State Trails Program is implemented in compliance with the North Carolina Trails System Act, DPR guidelines and staff directives

Supervising the three regional trails specialists

Developing requested trails' related programs, policies and staff directives

Providing technical assistance and support to all volunteer trail organizations and governmental units

Advising the Chief of Planning and Natural Resources on trails issues and actions necessary to implement the provisions of the North Carolina Trails System Act

Administering the State Adopt-A-Trail Grant Program

Administering the Federal Recreational Trails Program

4.9 **Regional Trails Specialists**

4.9.1 Responsibilities Include:

Supporting the efforts of the NCTC

Suggesting agenda items for the NCTC meetings

Implementing the State Trails Program at the regional level

Assuring the State Trails Program is implemented in compliance with the North Carolina Trails System Act, DPR guidelines and staff directives

Developing requested trails' related programs, policies and staff directives

Providing technical assistance and support to volunteer trail organizations and governmental units

Advising the State Trails Program Manager on trails issues and actions necessary to implement the provisions of the North Carolina Trails System Act

Administering the Adopt-A-Trail Grant Program at the regional level

Administering the Federal Recreational Trails Program

4.10 **Organizational Chart**

A copy of the DERN, DPR and State Trails Program organizational chart can be viewed on the DPR website at

http://www.ncparks.gov/About/docs/ochart2_2009.pdf

5.0 **NORTH CAROLINA TRAILS COMMITTEE – FUNCTIONS AND DUTIES**

The functions and duties of the NCTC are defined in General Statute 113A-88 of

the North Carolina Trails System Act (Attachment A) and in General Statute 143B-333, of the Executive Organization Act of 1973, titled Part 21, North

Carolina Trails Committee. (General Statutes 143B-333 and 334, Part 21, North Carolina Trails Committee Of the Executive Organization Act of 1973 are included in this guideline as Attachment C).

5.1 Advise the Secretary

The NCTC shall advise the Secretary on all matters directly or indirectly pertaining to trails, their use, extent, location, and other objectives and purposes of the North Carolina Trails System Act. (G.S. 113A-88 (b) and G.S. 143B-333 (1))

5.1.1 Advise DPR

The Secretary delegated the responsibility for management of the State Trails Program to the DPR. Because of this delegation, the NCTC will also advise the DPR on trails related programs, policies, guidelines, staff directives and program direction.

5.1.2 The Committee Proposes Policies or Actions

The Committee advises the Secretary and the DPR in the form of proposed policies and actions. The Committee initiates recommendations based upon their findings rather than simply reacting to policies and actions initiated by the DEHNR or the DPR.

5.1.3 The Committee Reacts to Proposed Policies or Actions

The Secretary and the DPR are directed to undertake certain activities to further the implementation of the Act. This necessitates the Committee's input to policy and procedures directing the trails program.

As policy and procedures are proposed, the Committee shall react to such proposals informing the Secretary and DPR of what the impact of the proposed policy or action will be on the trail interest of the state's citizens and visitors.

5.2 Coordinate Trail Development Among Local Governments

The NCTC shall coordinate trail development among local governments and to

assist local governments in the formation of their trail plans and advise the DEHNR of its findings. (G.S. 113A-88 (C) and S.S. 143B-333 (2))

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5.2.1 The NCTC, Secretary and Director have broadened this duty to include the coordination of trail development activities among local, state and federal governmental agencies and volunteer trail organizations.

5.2.2 With the addition of the three Regional Trails Specialist in 1987, this duty is a primary responsibility of the State Trails Program staff.

5.3 **Represent Various Trail Users**

The NCTC shall as much as possible represent various trail users. (S.S. 143-334)

5.3.1 The NCTC is concerned with every aspect of trail activity in the state. In the broadcast sense, Committee members represent the interests of all trail users in the state and serve to convey those interests to the Secretary of DENR.

5.3.2 In order to assure representation of specific types of trail users and different geographic regions of the state, each Committee member should represent their principal trail activity interest statewide and all trail activity interests of the geographic region of residence.

6.0 **NORTH CAROLINA TRAILS COMMITTEE – MEMBERS, SELECTION, REMOVAL AND COMPENSATION**

The laws pertaining to the membership, selection, removal and compensation of the NCTC are referenced in General Statute 143B-334 (Attachment C).

6.1 **Number and Composition**

6.1.1 The NCTC shall consist of seven members appointed by the Secretary of DEHNR

6.1.2 The NCTC shall be composed of two members from the mountains, two members from the piedmont, two members from the coastal plain and one at-large member.

6.1.3 The composition of the NCTC should as much as possible represent the various trail users in North Carolina.

6.4 **Length of Term**

6.4.1 NCTC members shall be appointed for four year staggered terms and until their successors are appointed.

- 6.4.2 Any appointment to fill a vacancy on the NCTC created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired terms.

6.3 **Removal of a Committee Member**

- 6.3.1 The Secretary shall have the power to remove any member of the NCTC from office in accordance with the provisions of General Statute 143B-16 of the Executive Organization Act of 1973. (General Statute 143B-16 is included in this guideline as Appendix D).

6.4 **Designation of Chairman**

- 6.4.1 The Secretary shall designate a member of the NCTC to serve as Chairman at the pleasure of the Governor.

- 6.4.2 Although the term of the NCTC Chairman is not specifically addressed in the General Statutes, a Chairman is traditionally designated in January to serve for one calendar year.

6.7 **Compensation**

- 6.7.1 NCTC members shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of the General Statutes.

7.0 **COMMITTEE OPERATING PROCEDURES**

Meetings

Attendance at Committee Meetings

NCTC members are requested to attend all meetings of the Committee.

Any Committee member who cannot attend a scheduled meeting may prepare a written report if appropriate and send to the State Trails Program Manager for distribution.

7.1.2 Number and Location

The North Carolina Trails System Act requires that the Committee meet no less than two times per year and that meetings be held in different geographic areas of the state.

7.1.3 Setting and Agenda

Topics for the agenda are to be submitted to the State Trails Program Manager, no less than four weeks prior to the date of the scheduled meeting. The State Trails Program Manager will contact the Chairman no less than three weeks prior to the meeting to finalize the agenda. The agenda package will be forwarded to the Director for final approval. The Secretary for Planning and Development will distribute the approved agenda along with relevant background information to the Committee two weeks prior to the scheduled meeting.

7.1.4 Rules for Conducting Committee Meetings

Official meetings of the NCTC shall be governed by Robert's Rules of Order, Newly Revised. The Committee Chairman shall serve as a parliamentarian in deciding all procedural questions.

7.1.5 Committee Quorum

A Quorum representing the majority of the NCTC must be present at the open meeting before any formal action or vote may be recorded.

7.1.6 Minutes

The Administrative Assistant shall keep a record of the proceedings of the Committee. The minutes will record the actions of the Committee; what was done rather than what was said and by whom. The minutes will follow form established in Robert's Rules of Order with emphasis given to all main motions, resolutions and staff directives. A preliminary draft of the minutes will be distributed to Committee members within four weeks following the scheduled meeting. The minutes will be considered for approval at the next scheduled meeting of the Committee.

7.2 **Officers**

7.2.1 Regular Officers

The Committee shall have a Chairperson appointed by the Secretary of DENR at the last meeting of each calendar year. The Committee may elect a Vice-Chairperson from its membership at the last meeting of each calendar year to serve in the absence of the Chairperson.

7.2.2 Subcommittees

The Chairman may appoint subcommittees and subcommittee chairpersons as the work of the Committee requires.

7.3 **Reports**

7.3.1 Special Reports

The Chairman may ask that a member or subcommittee prepare or review a special report concerning significant trail issues that may arise from time to time. In such a case, the Committee member shall be responsible for preparing the draft report and may obtain assistance from the State Trails Program Manager and staff in typing and duplicating the final report.

7.4 **Lobbying**

Because the NCTC is appointed by the Secretary to advise the Secretary on all matters pertaining to trails, it shall be inappropriate for the NCTC, as a group, to lobby the General Assembly on trails issues.

8.0 **Reimbursement Policy**

8.1 Non-State Employees

Members of State Boards, Commissions, Committees, and Councils, who are not full-time state employees or who do not receive any salary or any portion of their salary from state funds are entitled to the following reimbursements:

8.1.1 Per Diem Compensation

Each NCTC member will receive \$15.00 per day of official service.

8.1.2 Subsistence

8.1.2.1 In-State Travel Reimbursement

1. One day trip, no overnight stay - \$35.15 for meals (lump sum allowance, no receipts required)
2. When spending the night – up to \$65.90 for hotel cost (receipt required for hotel from a commercial establishment)

8.1.2.2 Out-of-State Travel Reimbursement

1. All out-of-state travel for Boards, Commissions, Committees, and Councils must be approved in advance by the Assistant Secretary.
2. One day trip, no overnight stay - \$37.50 for meals (lump-sum allowance).

3. When spending the night-up to \$78.05 for hotel cost (receipt required for hotel cost from a commercial establishment)

8.1.3 Registration Fees

1. Actual cost of registration fees will be reimbursed (receipt required).
2. Prior approval is required if registration fee is in excess of \$150.00 (receipt required)

8.1.4 Transportation

1. Private car @ .25 cents per mile reimbursed from home to place of meeting and return according to the published state map from the North Carolina Department of Transportation.
2. Parking fees, tolls, storage fees – reimbursable with commercial receipt required if in excess of \$3.00 per day. Receipts required for all airport parking.
3. Commercial Air – Actual coach fare reimbursable with ticket/itinerary required (prior approval must be received).
4. Rental Vehicles – A receipt or a copy of the completed original rental car agreement is required (prior approval must be received).

8.1.5 Meetings Other than NCTC

Committee members requested or requesting to attend meetings or conferences other than the NCTC meetings shall have prior written DENR approval before the meeting is attended.

8.1.6 Other Expenses Incurred

Cost for telephone, and postage, directly attributed to the Trails Program, will be reimbursed by DENR upon receipt of such bills. The bills are to be sent to the Administrative Assistant for submission to the budget and management office of DENR.

8.2 State Employees

Any member of the NCTC who is a full-time state employee is entitled to the standard state authorized allowances.

Article 6

North Carolina Trails System

§ 113A-83. Short title.

This Article shall be known and may be cited as the “North Carolina Trails System Act.” (1973, c. 670, s. 1.)

§ 113A-84. Declaration of policy and purpose.

- (a) In order to provide for the ever-increasing outdoor recreation needs of an expanded population and in order to promote public access to, travel with, and enjoyment and appreciation of the outdoor, natural and remote areas of the State, trails should be established in natural, scenic areas of the state, and in and near urban areas.
- (b) The purpose of this article is to provide the means for attaining these objectives by instituting a State system of scenic and recreation trails, coordinated with and complemented by existing and future local trail segments or systems, and by prescribing the methods by which, and standards according to which, components may be added to the State trails system. (1973, c. 670, s. 1; 1993, c.184, s. 1.)

§ 113A-85. Definitions.

Except as otherwise required by context, the following terms when used in this Article shall be construed respectively to mean:

- (1) “Department” means the North Carolina Department of Environment and Natural Resources.
- (2) “Political subdivision” means any county, any incorporated city or town, or other political subdivision.
- (3) “Scenic easement” means a perpetual easement in land which
 - a. Is held for the benefit of the people of North Carolina,
 - b. Is specifically enforceable by its holder or beneficiary, and
 - c. Limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of land and activities conducted thereon, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it.

- (4) “Secretary” means the Secretary of Environment and Natural Resources, except as otherwise specified in this Article.
- (5) “State trails system” means the trails system established in this Article or pursuant to the State Parks Act, Article 2C of Chapter 113 of the General Statutes, and including all trails and trail segments together with their rights-of-way, added by any of the procedures described in this Article or Article 2C of Chapter 113 of the General Statutes.
- (6) “Trail” means:
 - (a) Park trail. – A trail designated and managed as a unit of the North Carolina State Parks System under Article 2C of Chapter 113 of the General Statutes.
 - (b) Designated trail. – A trail designated by the Secretary pursuant to this Article as a component of the State trails system and that is managed by another governmental agency or by a corporation listed with the Secretary of State.
 - (c) A State scenic trail, State recreation trail, or State connecting trail under G.S. 113A-86 when the intended primary use of the trail is to serve as a park trail or designated trail.
 - (d) Any other trail that is open to the public and that the owner, lessee, occupant, or person otherwise in control of the land on which the trail is located allows to be used as a trail without compensation, including a trail that is not designated by the Secretary as a component of the State trails system. (1973, c. 670, s. 1; 1977, c. 771, s. 4; 1989, c. 727, s. 218(63); 1989 (Reg. Sess., 1990), c. 1004, s. 19(b), 1993, c. 184, s. 2; 1997-443, s. 11A.119(a).)

§ 113A-86. Composition of State trails system

The State trails system shall be composed of designated:

- (1) State scenic trails, which are defined as extended trails so located as to provide maximum potential for the appreciation of natural areas and for the conversation and enjoyment of the significant scenic, historic, natural, ecological, geological or cultural qualities of the areas through which such trails may pass.
- (2) State recreation trails, which are defined as trails planned principally for recreational value and may include trails for foot travel, horseback, nonmotorized bicycles, nonmotorized water vehicles, and two-wheel and four-wheel-drive motorized vehicles. More than one of the aforesaid types of travel may be permitted on
- (3) Connecting or side trails, which will provide additional points of public access to State recreation or State scenic trails or which will provide connections between such trails. (1973, c. 670, s. 1; 1993, c. 184, s. 3.)

§ 113A-87. Authority to designate trails.

The Department may establish and designate trails on:

- (1) Lands administered by the Department
- (2) Lands under the jurisdiction of a State department, political subdivision, or federal agency, or
- (3) Private lands provided, fee-simple title, lesser estates, scenic easements, easements of surface ingress and egress running with the land, leases, or other written agreements are obtained from landowners through which a State trail may pass. (1973, c. 670, s. 1; 1979, c. 6, s. 1; 1991, c. 115; 1993, c. 184, s. 4.)

§ 113A-87.1. Use of State land for bicycling, creation of trails by volunteers.

- (a) Any land held in fee simple by this State, any agency of this State, or any land purchased or leased with funds provided by this State may be open and available for use by bicyclists upon establishment of a usage agreement. The usage agreement shall be established between the land manager and any local cycling group or organization intending to use the land and shall specify the terms and conditions for use of the land. The land manager shall designate a representative with knowledge of off-road bicycle trail building to negotiate the agreement. Upon establishment of the usage agreement, any bicyclist may use the land pursuant to the agreement.

The land manager shall not be required to create, maintain, or make available any special trails, paths, or other accommodations to any user or the land for cycling purposes. However, once a usage agreement has been established, any local cycling group or organization may create and maintain special trails for cycling purposes. Any trails created for the purpose of off-road cycling shall be created and maintained using commonly accepted best practices.

- (b) Notwithstanding the provisions of subsection (a) of this section, any land may be restricted or removed from use by bicyclists if it is determined by the State, an agency of the State, or the holder of land purchased or leased with State funds that the use would cause substantial harm to the land or the environment or that the use would violate another State or federal law. Before restricting or removing land from use by bicyclists, the State, the agency of the State, or the holder of the land purchased or leased with State funds must show why the lands should not be open for use by bicyclists. Local cycling groups or organizations shall be notified of the intent to restrict or remove the land from use by bicyclists and provided an opportunity to show why cycling should be allowed on the land. Notice of any land restricted or removed from use by bicyclists pursuant to this subsection shall be filed with the Division of Bicycle and Pedestrian Transportation of the Department of Transportation.

- (c) The Division of Bicycle and Pedestrian Transportation of the Department of Transportation shall keep a record of all lands made open and available for use by bicyclists pursuant to this section and shall make the information available to the public upon request.
- (d) Any land open and available for use by bicyclists, pursuant to subsection (a) of this section, shall also be available to members of the public or hiking and walking. Persons using the land pursuant to this subsection shall yield the right-of-way to bicyclists when hiking or walking on any trails created and maintained for the purpose off-road cycling, and so designated along that trail.
- (e) Notwithstanding any other provision of this section, any hiking, walking, or use of bicycles on game lands administered by the Wildlife Resources Commission shall be restricted to roads and trails designated for vehicular use. Hiking, walking, or bicycle use by persons not hunting shall be restricted to days closed to hunting. The Wildlife Resources Commission may restrict the use of bicycles on game lands where necessary to protect sensitive wildlife habitat or species and shall file notice of any restrictions with the Division of Bicycle and pedestrian Transportation of the Department of Transportation. (2007-449, s. 1.)

§ 113A-88. North Carolina Trails Committee; composition; meetings and functions.

- (a) Repealed by Session Laws 1973, c. 1262, s. 82.
- (b) The Committee shall meet in various sections of the State not less than two times annually to advise the Department on all matters directly or indirectly pertaining to trails, their use, extent, location, and the other objectives and purposes of this Article.
- (c) The Committee shall coordinate trail development among local governments, and shall assist local governments in the formation of their trail plans and advise the Department quarterly of its findings.
- (d) The Secretary, with advice of the Committee, shall study trail needs and potentials, and make additions to the State Trails System as needed. He shall submit an annual report to the Governor and General Assembly on trail activities by the Department, including right-of-way that has been established and on the program for implementing this Article. Each report shall include a short statement on the significance of the various trails to the System. The Secretary shall make such rules as to trail development, management, and use that are necessary for the proper implementation of this Article. (1973, c. 670, s. 1; c. 1262, s. 85; 1987, c. 827, s. 132.)

§113A-89. Location of trails

The process of locating routes of designated trails to be added to the system shall be as follows:

For State scenic trails, the Secretary or a designee, after consulting, shall recommend a route. For State recreation trails and for connecting or side trails, the Secretary or a designee, after consulting with the Committee, shall select the route. The Secretary may provide technical assistance to political subdivisions or private, nonprofit organizations that develop, construct, or maintain designated trails or other public trails that complement the State trails system. When a route traverse land within the jurisdiction of governmental unit or political subdivision, the Department shall consult with such unit or such subdivision prior to its final determination of the location of the route. The selected route shall be compatible with preservation or enhancement of the environment it traverses. Reasonable effort shall be made to minimize any adverse effects upon adjacent landowners and users. Notice of the selected route shall be published by the Department in a newspaper of general circulation in the area in which the trail is located, together with appropriate maps and descriptions to be conspicuously posted at the appropriate courthouse. Such publication shall be prior to the designation of the trail by the Secretary. (1973, c. 670, s. 1; 1993, c. 184,s.5.)

§ 113A-90. Scenic easements within right-of-way.

Within the boundaries of the right-of-way, the Secretary of the North Carolina Department of Administration may acquire, on behalf of the State of North Carolina, lands in fee title, or interest in land in the form of scenic easements, cooperative agreements, easements of surface ingress and egress running with the land, leases, or less than fee estates. Acquisition of land or of interest therein may be by gift, purchased with donated funds or funds appropriated by the governmental agencies for this purpose, proceeds from the sale of bonds or exchange. Any change in value of land resulting from the grant of an easement shall be taken into consideration in the assessment of the land for tax purposes. (1973, c. 670, s. 1.)

§ 113A-91. Trails within parks; conflict of laws.

Any component of the System that is or shall become a part of any State park, recreation area, wildlife management area, or similar area shall subject to the provisions of this Article as well as any other laws under which the other areas are administered, and in the case of conflict between the provisions the more restrictive provisions shall apply. (1973, c. 670, s. 1.)

§ 113A-92. Uniform trail markers.

The Department, in consultation with the Committee, shall establish a uniform marker for trails contained in the System. An additional appropriate symbol characterizing specific traits may be included on the marker. The markers shall be placed at all access points, together with signs indicating the modes of locomotion that are prohibited for the trail, provided that where the trail constitutes a portion of a national scenic trail, use of the national scenic trail uniform marker shall be considered sufficient. The route of the trail and the boundaries of the right-of-way shall be adequately marked. (1973, c. 670, s. 1.)

§ 113A-92.1. Adopt-A-Trail Program.

The Department shall establish an Adopt-A-Trail Program to coordinate with the Trails Committee and local groups or persons on trail development and maintenance. Local involvement shall encouraged, and interested groups are authorized to “adopt-trail” for such purposes as placing tail markers, tail building, trail blazing, litter control, resource protection, and any other activities related to the policies and purposes of this Article. (1987, c. 738, s. 153.)

§ 113A-93. Administrative policy.

The North Carolina Trails System shall be administered by the Department according to the policies and criteria set forth in this Article. The Department shall, in addition, have or designate the responsibility for maintaining the trails, building bridges, campsites, shelters, and related public-use facilities where required. (1973, c. 670, s. 1.)

§ 113A-94 Incorporation in National Trails System.

Nothing in this article shall or preclude a component of the State Trails System from becoming a part of the National Trails System. The Secretary shall coordinate the State Trails System with the National Trails System and is directed to encourage and assist any federal studies for inclusion of North Carolina trails in the National Trails System. The Department may enter into written cooperative agreements for joint federal-State administration of a North Carolina component of the National Trails System, provided such Agreements for administration of land uses are not less restrictive than those set forth in this Article. (1973, c. 670, s. 1.)

§ 113A-95. Trail use liability.

- (a) Any person, as an owner, lessee, occupant, or otherwise in control of land, who allows without compensation another person to use the land for designated trail or other public trail purposes or to construct, maintain, or cause to be constructed or maintained a designated trail or other public trail owes the person the same duty of care he owes a trespasser.
- (b) Any person who without compensation has constructed, maintain, or caused to be constructed or maintained a designated trail or other public trail pursuant to a written agreement with any person who is an owner, lessee, occupant, or otherwise in control of land on which a trail is located shall owe a person using the trail the same duty of care owed a trespasser.
- (c) Repealed by Session Laws 1993, c. 184, s. 6. (1987, c. 498; 1991, c. 38; 1993, c. 184, s. 6.)

§ 113A-96 through 113A-99. Reserved for future codification purposes.

Part 21

North Carolina Trails Committee

§ 143-333. North Carolina Trails Committee – Creation; powers and duties.

There is hereby created the North Carolina Trails Committee of the Department of Environment and Natural Resources. The Committee shall have the following functions and duties:

- (1) To meet not less than two times annually to advise the Department on all matters directly or indirectly pertaining to trails, their use, extend, location, and the other, objectives and purposes of G.S. 113A-88.
- (2) To coordinate trail development among local governments, and to assist local governments in the formation of their trail plans and advise the Department of its findings.
- (3) To advise the Secretary of trail needs and potentials pursuant to G.S. 113A-88. (1973, c. 1262, s. 80; 1977, c. 771, s. 4; 1989, c. 727, s. 218(145); 1997-443, s. 11A, 119(a).)

§ 143B-334. North Carolina Trails Committee – members; selection; removal; compensation.

The North Carolina Trails Committee shall consist of seven members appointed by the Secretary of Environment and Natural Resources. Two members shall be from the mountain section, two from the Piedmont section, two from the coastal plain, and one at large. They shall as much as possible represent various trail users.

The initial members of the North Carolina Trails Committee shall be the members of the current North Carolina Trails Committee who shall serve for a period equal to the remainder of their current term on the North Carolina Trails Committee. At the end of the respective terms of office of the initial members of the Committee, the appointment of their successors shall be for staggered terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Committee created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Committee from office in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.

The Secretary of Environment and Natural Resources shall designate a member of the Committee to serve as chairman at the pleasure of the Governor.

Members of the Committee shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-S and G.S. 143B-15 of the Executive Organization Act of 1973. (1973, c. 1262, s. 81; 1977, c. 771, s. 4; 1989, c. 727, s. 218(146); 1997-443, s. 11A.119(a).)

143B-16. Appointment and removal of members of boards, councils and committees.

Unless more restrictive qualifications are provided in this Chapter, the Governor shall appoint each member of a board, council, or committee on the basis of his interest in public affairs, good judgment, knowledge and ability in the field for which appointed, and with a view to providing diversity of interest and points of view in the membership. Unless other conditions are provided in the Executive Organization Act of 1973, any member of a board, council, or committee may be removed from office by the Governor for misfeasance, malfeasance, or nonfeasance.

No member of a board, council, or committee may use his position to influence any election or the political activity of any person, and any such member who violates this paragraph may be removed from such office by the Governor, if such member was appointed by the Governor, or by the appointing authority, if such member was not appointed by the Governor. Nothing herein shall prohibit such member from publishing the fact of his membership in his own campaign for public office. (1973, c. 476, s. 16; 1981, c. 520, s. 2.)